

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 2, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Strittmatter and Executive Secretary Neal were also in attendance.

John Barnett, Jim Purucker, Connie Vickery, Bart Herriman, Greg Genrich, Alex Intermill, and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 19, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the August 2, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the August 2, 2011 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred twelve (412) permits approved for renewal, thirty-three (33) new and/or transfer permits approved, ten (10) permits approved for catering, four (4) permits approved for first year escrow, six (6) permits approved for second year escrow, three (3) permits approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DW05-00358 1-800 WINESHOP.COM, D/B/A WINE SHOP AT HOME – Commissioner Guthrie noted this is a renewal of a direct wine ship permit. Excise recommends the renewal be denied.

Commissioner Guthrie stated the permittee was cited for violating the face to face requirement. The fine has been paid. The permittee assures the Commission they have learned their lesson and will not be cited for this again.

Commissioner Guthrie moved to approve the renewal, noting that Excise can police the permittee to make sure they are not in violation. Commissioner Sturtz seconded. The motion was unanimously approved.

DL87-27927 THE PANTRY, INC., D/B/A KANGAROO EXPRESS 737 – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-91454 GINA LAKICH - Commissioner Guthrie noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfer. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make ninety-nine (99) permits inactive. Seventy-four (74) permits are not subject to auction and twenty-five (25) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

RC59-06850 VFW POST 8302 – Commissioner Guthrie stated this permit was made inactive due to non-renewal. Apparently, there was a fire at the old location and the permit was not renewed. The permittee requests the permit be reactivated, so it can be transferred to a new location. The Commissioner also stated that because this is a club permit there are no quota issues involved.

Commissioner Guthrie moved to approve the reactivation. Vice Chairman Johnson seconded subject to all fees being paid that are due. The motion was unanimously approved.

RR45-02078 & RR45-91241 FIRST STATE BANK OF PORTER - Commissioner Guthrie stated these permits were transferred to the bank as part of a situation where the bank took possession after a creditor defaulted on a loan. The bank was not aware of the process of renewing permits and the permits were made inactive. The bank requests the commission reactivate the permits, in order for the permits to be transferred to a new owner.

Commissioner Guthrie moved to approve the reactivation subject to all fees being paid that are due. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

EXCISE POLICE-VISION, MISSION AND VALUES STATEMENT – Superintendent Strittmatter requested the Commission adopt the updated Vision, Mission and Values Statement for the Excise Police. He stated there have been extensive discussions with the executive staff, all the way to the district level reviewing this to keep Excise moving through the 21st Century.

Chairman Huskey thanked the Superintendent for the much needed update.

Commissioner Guthrie moved to adopt this new statement. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER